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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,990	03/29/2001	Isao Minematsu	57454-060	3710

7590 12/21/2004

McDERMOTT, WILL & EMERY  
600 13th Street, N. W.  
Washington, DC 20005-3096

EXAMINER
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PAN, DANIEL H

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/819,990

Applicant(s)

MINEMATSU, ISAO

Examiner

Daniel Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 12 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. Claims 1-14 remain for examination. None of the claims has been amended.
2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudo et al. (6,560,692) in view of Geldman et al. (5,524,268)
3. Claims 11, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kudo et al. (6,560,692) .
4. The rejections are maintained and incorporated by reference the last Office Action on 6/28/04.
5. Applicant 's response filed on 09/28/04 have been fully considered but is not persuasive.
6. In the remarks, applicant argued that :
  - a) applicant claimed invention is directed to data transfer between registers and data transfer between the registers and memory, and Geldman did not teach data transfer between registers and data transfer between the registers and memory;
  - b) the reference does not disclose generating a code to necessarily push data stored in the plurality of registers when the code read from source program is a first macroinstruction, and generating a code to necessarily pop data stored in the plurality of registers when the read code is a second macro instruction;

7. As to a) above, Geldman was used to supplement the teaching of the data transfer between registers in accordance with a single instruction (see the MV8 instruction in col.8, lines 16-19). The data transfer between registers and memory was already taught by primary reference Kudo (see the data transfer by push into the stack memory in col.15, lines 20-28, col.25, lines 29-67, col.26, lines 30-35 ). The reasons of obviousness were already given in Paragraph # 4-6 in the previous office action on 06/28/04, therefore, they are not repeated herein. Furthermore, no specific type of the registers and memory has been reflected into the claim, therefore, it is interpreted as any general type of register and memory, one of ordinary skill in the art should be able to implement the transfer between the registers, and should also be able to recognize the transfer could be applicable to registers with a memory as well. The Examiner believes that data transfer between registers and the data transfer between registers and a memory are not inventive idea. No specific type of the transfer between the registers and between the registers and memory can be found in the claim 1.

Therefore, the prior art teaching is sufficient to one of ordinary skill in the art to make the claimed invention (see also the reasons of obviousness set forth in paragraphs 4-6 in the last Office action on 06/28/04).

8. As to b) , applicant did not explain why the prior art did not disclose generating a code to necessarily push data stored in the plurality of registers when the code read from source program is a first macroinstruction, and generating a code to necessarily pop data stored in the plurality of registers when the read code is a second macro instruction. Instead, applicant cited In re Robertson indicating that inherency may not

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be established by probability and possibilities. No explanation is provided in the response to discuss the "probability and possibilities" of the prior art of record that makes applicant think the inherency is not established. Nevertheless, the prior art of record, Kudo, disclosed generating a code [pushn] to push data stored in the plurality of registers when the code read from source program (see the main program with the respective subroutine in fig.4 for the source program) was a first macroinstruction, and generating a code to pop [popn] data stored in the plurality of registers when the read code is a second macro instruction (see col.14, lines 44-67, col.15, lines 1-14, see xcol.25, lines 26-67, col.26, lines 1-3 for the push and pop data, see also col.26, lines 11-46 for assembler). Kudo also taught expressly that it was **necessary** to execute the push and pop instructions (see col.26, lines 1-3).

9. Claims 12,14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the generation of the code to push data other than a register used as medium for data transfer between the registers and a memory among the registers included in the read code which is a first macro instruction.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*21 Century Strategic Plan*

  
DANIEL H. PAN  
PRIMARY EXAMINER  
GROUP